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JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

June 2, 2021

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RECEIVED

JUN 02 2021

STATE AUDITORS OFFICE

RE: Petition approval request from Austin Shaffer regarding a proposed constitutional amendment to Article XXVIII (2022-036)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Austin Shaffer on June 2, 2021.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

County

Page No.

INITIATIVE PETITION

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri;

_____, the undersigned, registered voter of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the "filing proposed amendment" to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 11th day of November, 2022, and each for himself or herself says: I have personally signed this petition, I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered mailing address and the name of the city, town or village in which I live are correctly written after my name.

2021 JUN -3 AM 8: 47

E. J. [Signature]
MO. SEC. OF STATE

Printed First and Last Name _____

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF

I, _____, being first duly sworn, say (print names of signers)

Signature _____

Date Signed _____

Registered Voting Address

Zip Code

Cong. District 1

Printed First and Last Name _____

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possibilities

I signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County (or city of St. Louis). FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLEADED GUILTY TO ANY OFFENSE INVOLVING FORGERY. I am at least 18 years of age. I do _____ do not _____ (check one) expect to be paid for circulating this petition. If paid, list the payer.

Signature of Affiant (Person obtaining signatures)

Street Address of Affiant

Subscribed and sworn to before me this _____ day of _____

A.D.

(Seal)

Printed Name of Affiant

City, State and Zip Code of Affiant

Signature of Notary

Address of Notary

Be it resolved by the people of the state of Missouri that the Constitution be amended:

To include the Bill of Rights as part of the Constitution of the State of Missouri.

Article XXVIII.

Sec. 1, Power of the People

All power of government is created by and comes from the People to the Government.

Sec. 2, Bill of Rights

The State of Missouri hereby guarantees to all its citizens to protect all of the following rights from infringement by any government (collectively known as the Missouri Bill of Rights):

(a) No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(b) A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

(c) No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

(d) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, including all forms of electronic searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(e) No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

(f) In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

(g) In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(h) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(i) The enumeration in the Constitution of Missouri, of certain rights, shall not be construed to deny or disparage others retained by the people.

(j) The powers not delegated to the United States by the Constitution of the United States, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Sec. 3. Involuntary Servitude

Involuntary Servitude is prohibited of any individual by another, and also of the State of Missouri by the Federal Government.

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Sec 4. Remainder of Constitution

The State of Missouri hereby adopts all the remaining text of the Constitution of the United States of America as a part of its own Constitution, without applicability of any Supreme Court or Federal Court decisions or precedents, to be effective if and only if,

(a) the United States of America collapses, or

(b) Missouri lawfully ceases to be a part of the United States of America.

Upon (a) or (b) happening, prior Federal Court decisions, including those considering state issues, shall be of no further authority in Missouri.

Sec 5. Past Court Decisions and Interpretations

Any holdings in In re Interest of Anaya, 276 Neb. 825 or State v. Noble, 171 Ariz. 171 are hereby rejected; while the holdings in Hendricks v. State, 897 N.E.2d 1208 (Ind. Ct. App. 2008) are hereby affirmed. The interpretation of the Missouri Bill of Rights shall be by Missouri courts and fresh and independent of past interpretations of the Bill of Rights contained in the United States Constitution. No contemporaneous, legislative, or administrative construction of the Missouri Bill of Rights is permitted; although reference to the Federalist Papers for interpretive guidance is permitted. All the provisions of the Missouri Bill of Rights are self-executing and shall be so interpreted.

The provisions of this amendment shall be interpreted to supplement other provisions of the Constitution of Missouri, where such provisions can be consistently interpreted, or, if such construction is not possible, then the provisions of this amendment shall supersede such other provisions of the Constitution of Missouri.